

COMMON COUNCIL MEETING

MAY 6, 2014

7:00 P.M.

ORDER OF BUSINESS

- I. Call to Order
- II. Salute to the Flag
- III. Roll Call
- IV. Adoption of Agenda
- V. Proclamations
- VI. Communications and Presentations
- VII. Public Participation
- VIII. Controller's Report
- IX. Old Business: Res. #13/14-237 Resolution Accepting Transfer of Property from AIDA
- X. New Business:
 - (a) Resolutions
 - (b) Ordinances
 - (c) Local Laws:
 - (d) Introduction of Ordinances:
 - (e) Introduction of Local Laws
 - (f) Committee Reports
 - (g) Scheduling of Committee Meetings
 - (h) Other:
- XI. Executive Session (if required)
- XII: Adjournment

6:00 p.m. Golf Committee Meeting

6:30 p.m. Human Resources Committee

RESOLUTIONS

Old Business

237. *Resolution Accepting Transfer of Property from AIDA*

Russo

New Business

240. RESOLUTION ADOPTING MINUTES	BEEKMAN
241. RESOLUTION APPROVING AUDIT	HATZENBUHLER
242. RESOLUTION AMENDING BUDGET – ENGINEERING	LEGGIERO
243. RESOLUTION AMENDING BUDGET – PUBLIC SAFETY	RUSSO
244. RESOLUTION AUTHORIZING ROAD PROGRAM BIDS	LEGGIERO
245. RESOLUTION AMENDING BUDGET – FIRE	RUSSO
246. RESOLUTION AMENDING BUDGET – FIRE	RUSSO
247. RESOLUTION OVERRING MAYORIAL VETO – RES 231	HATZENBUHLER
248. RESOLUTION AMENDING BUDGET – GAS & ELECTRICITY	BARONE
249. RESOLUTION AMENDING BUDGET – POSTAGE	BARONE
250. RESOLUTION REGARDING CITY-WIDE HIRING FREEZE	BARONE

ORDINANCE

2014-F	ORDINANCE AMENDING CHAPTER 28 – GOLF	BARONE
2014-G	ORDINANCE AMENDING CHAPTER 228 – STOP SIGNS	RUSSO
2014-H	ORDINANCE AMENDING CHAPTER 228 – TRUCKS	RUSSO

LOCAL LAWS

2014-B	LOCAL LAW AMENDING CHAPTER 73 – ANIMALS (FOWL)	RUSSO
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**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 15, 2014**

RESOLUTION #13/14-237

RESOLUTION ACCEPTING TRANSFER OF PROPERTY FROM AIDA

BY: ALDERMAN RUSSO

WHEREAS, the Amsterdam Industrial Development Agency has been the recipient of various properties and vacant lots over the years; and

WHEREAS, the Amsterdam Industrial Development Agency has in the past several years tried to divest itself of these properties as they have no industrial development potential; and

WHEREAS, the Amsterdam Industrial Development Agency does not have the resources to adequately maintain these properties; and

WHEREAS, the Amsterdam Industrial Development Board of Directors has recommended certain properties be transferred to the City of Amsterdam which are identified by tax parcel Nos. 39.20-2-47, 55.43-1-8.2, 55.52-1-38.1, 55.52-2-11, 55.52-2-15, 55.52-2-16, 55.25.2-16, 56.13-2-13, and 56.14-2-1;

RESOLVED, that the Mayor is authorized to accept such deeded property from the Amsterdam Industrial Development Agency.

MOTION TO AMEND by Alderman Barone passed with Aye. Alderman Russo voted nay.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay
Alderman Russo		
Alderman Beekman		
Alderman Barone		
Alderman Hatzenbuehler		
Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2014

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
MAY 6, 2014**

RESOLUTION #13/14-240

RESOLUTION ADOPTING MINUTES OF THE LAST COMMON COUNCIL MEETING

BY: ALDERWOMAN BEEKMAN

RESOLVED, that the minutes of the Common Council meeting of April 15, 2014 are hereby adopted.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay
Alderman Russo		
Alderman Beekman		
Alderman Barone		
Alderman Hatzenbuehler		
Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2014

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
MAY 6, 2014**

RESOLUTION #13/14-241

RESOLUTION APPROVING AUDIT

BY: ALDERWOMAN HATZENBUHLER

RESOLVED, the bills examined by the Common Council and reported herewith as correct and they are, allowed and ordered paid and the City Clerk is authorized and empowered to issue warrants in payment of same.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay
Alderman Russo		
Alderman Beekman		
Alderman Barone		
Alderman Hatzenbuhler		
Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2014

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
MAY 6, 2014**

RESOLUTION #13/14-242

RESOLUTION AMENDING BUDGET – ENGINEERING

BY: ALDERMAN LEGGIERO

WHEREAS, the water fund budget needs to be amended to fund the cost of repair of a water main break on the Southside in December, 2013,

RESOLVED, the Controller is authorized to amend the 2013-2014 water fund budget as follows:

DECREASE EXPENSE:

F-1990-4036	Contingency	\$13,000 (bal. \$13,947.50)
F-8330-4089	Outside H ₂ O Testing	\$ 5,000 (bal. \$5,000)

INCREASE EXPENSE:

F-8330-4000	Contractual Exp.	\$18,000
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COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay
Alderman Russo		
Alderman Beekman		
Alderman Barone		
Alderman Hatzenbuehler		
Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2014

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
MAY 6, 2014**

RESOLUTION #13/14-243

RESOLUTION AMENDING BUDGET – PUBLIC SAFETY

BY: ALDERMAN RUSSO

RESOLVED, the Controller is authorized to amend the 2013-2014 budget to cover the shortfall in the Public Safety natural gas line as follows:

DECREASE EXPENSE:

A-3010-4024	Electricity	\$12,000 (bal. \$32,693.92)
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INCREASE EXPENSE:

A-3010-4022	Natural Gas	\$12,000
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COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay
Alderman Russo		
Alderman Beekman		
Alderman Barone		
Alderman Hatzenbuehler		
Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2014

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
MAY 6, 2014**

RESOLUTION #13/14-244

RESOLUTION AUTHORIZING BIDDS – 2014 ROAD PROGRAM

BY: ALDERMAN LEGGIERO

RESOLVED, the Engineer is authorized to prepare specifications and the City Clerk is authorized to advertise for bids for the 2014 Road Program consisting of: Henrietta Hill from Stewart Street to the driveway of 18 Henrietta Boulevard, Edson Street from Mason Avenue to Sam Stratton Drive, Bell Street from Grove Street to Reid Street, Schuyler Street from East Main Street to Grove Street.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay
Alderman Russo		
Alderwoman Beekman		
Alderman Barone		
Alderwoman Hatzenbuhler		
Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2014

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
MAY 6, 2014**

RESOLUTION #13/14-245

RESOLUTION AMENDING BUDGET – FIRE

BY: ALDERMAN RUSSO

RESOLVED, the Controller is authorized to amend the 2013-2014 budget to account for receipt of funds from Hazardous Material release mitigation operations, as follows:

INCREASE REVENUE

A-2262	Fire Protection	\$1,609.63
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INCREASE EXPENSE:

A-3410-1001	Overtime	\$ 937.36
A-3410-4000	Contractual	\$ 306.27
A-3410-4070	Vehicle Maint.	\$ 366.00

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay
Alderman Russo		
Alderman Beekman		
Alderman Barone		
Alderman Hatzenbuehler		
Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2014

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
MAY 6, 2014**

RESOLUTION #13/14-246

RESOLUTION AMENDING BUDGET – FIRE

BY: ALDERMAN RUSSO

RESOLVED, the Controller is authorized to amend the 2013-2014 budget for receipt of reimbursement of AFD EMT and Paramedic recertification and for receipt of payments for emergency responses to the NYS Thruway, as follows:

INCREASE REVENUE

A-3099	NYS Bldg. Code & Fire Aid	\$1,335.00
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INCREASE EXPENSE:

A-3410-4000	Contractual	\$1,335.00
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COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay
Alderman Russo		
Alderwoman Beekman		
Alderman Barone		
Alderwoman Hatzenbuhler		
Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2014

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
MAY 6, 2014**

RESOLUTION #13/14-247

RESOLUTION OVERRIDING MAYORAL VETO

BY: ALDERWOMAN HATZENBUHLER

RESOLVED, the Common Council hereby overrides the Mayoral veto dated April 29, 2014 of Resolution #13/14-231.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay
Alderman Russo		
Alderman Beekman		
Alderman Barone		
Alderman Hatzenbuhler		
Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2014

VETO STATEMENT • Resolution #13/14-231

I am vetoing this resolution on this date, April 29, 2014.

It appears to me that this action has been taken to continue the conflict between the executive and legislative branches of city government. This conclusion is supported by two factors. First, this resolution was proposed just two weeks after the Montgomery County Supreme Court issued a ruling interpreting the City Charter in favor of the executive branch and therefore appears to be aimed at reversing that result. Second, the resolution appoints former corporation counsel Robert Going as the chairman of the committee. He is the very same person who had been advising the sponsor of this resolution that she and the council had the authority to unilaterally negotiate and approve contracts.

This continued conflict must stop. In order to effectively manage the needs and concerns of our taxpayers, we must learn to work in our roles as set forth in the Charter.

While there may be some benefit from targeted improvements to the City Charter, it is more important at this time to focus on substantive issues such as budgeting, infrastructure improvements and economic development, rather than the relative powers of the executive or legislative branches. It is more important to do the work of government than to recast the structure of government.

In light of the aforementioned points, I hereby veto this resolution.

A handwritten signature in cursive script, reading "Ann M. Thane", is written over a horizontal line.

Mayor Ann M. Thane

CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 15, 2014

RESOLUTION #13/14-231

RESOLUTION APPOINTING MEMBERS OF CHARTER REVIEW COMMITTEE

BY: ALDERWOMAN HATZENBUHLER

RESOLVED, the following persons are hereby appointed to the Charter Review Committee:

MOTION TO AMEND by Alderwoman Hatzenbuhler, in the RESOLVED clause add: "Bob Going, Chairman, Jerry Skrocki, Marie Gavry, Mario Villa, Jeff Chase, Robert DiScenza, Mike Sampone", passed with Aye.

RESOLUTION ADOPTED UNANIMOUSLY.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay
Alderman Russo		
Aldermoman Beekman		
Alderman Barone		
Aldermoman Hatzenbuhler		
Alderman Leggiero		

VETO

ANN M. THANE, MAYOR

Dated: _____, 2014

This is to certify that I, Susan Alibozek, City Clerk of the City of Amsterdam, County of Montgomery, State of New York, that the above is the original Resolution, passed by the City of Amsterdam Common Council on April 15, 2014, a majority of all members elected to the Council voting in favor

I have set my hand and the official seal of the City of Amsterdam this 16th day April, 2014.


CITY CLERK

CITY SEAL

Received & Filed in the Office of the City Clerk: _____ Received by: _____

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
MAY 6, 2014**

RESOLUTION 313/14-248

RESOLUTION AMENDING BUDGET – GAS & ELECTRICITY

BY: ALDERMAN BARONE

RESOLVED, the Controller is authorized to amend the 2013-2014 budget to cover cost of gas & electricity shortfalls as follows:

DECREASE EXPENSE:

A-1990-4036	Contingency	\$13,875.00 (bal. \$48,446.01)
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INCREASE EXPENSE:

A-1620-4022	Natural Gas	\$7,500.00
A-1620-4024	Electricity	\$6,375.00

COMMON COUNCIL
City of Amsterdam, NY

	<u>Aye</u>	<u>Nay</u>
<u>Alderman Russo</u>		
<u>Alderman Beekman</u>		
<u>Alderman Barone</u>		
<u>Alderman Hatzenbuehler</u>		
<u>Alderman Leggiero</u>		

ANN M. THANE, MAYOR

Dated: _____, 2014

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
MAY 6, 2014**

RESOLUTION 313/14-249

RESOLUTION AMENDING BUDGET – POSTAGE

BY: ALDERMAN BARONE

RESOLVED, the Controller is authorized to amend the 2013-2014 budget to cover cost of postage as follows:

DECREASE EXPENSE:

A-1325-4000	Contractual	\$950.00 (bal. \$14,733.80)
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INCREASE EXPENSE:

A-1620-4008	Postage	\$950.00
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COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay
Alderman Russo		
Alderman Beekman		
Alderman Barone		
Alderman Hatzenbuehler		
Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2014

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
MAY 6, 2014**

RESOLUTION 313/14-250

RESOLUTION REGARDING CITY-WIDE HIRING FREEZE

BY: ALDERMAN BARONE

WHEREAS, the City of Amsterdam may have a significant budget shortfall,

RESOLVED, effective May 7, 2014 a hiring freeze is in effect for all departments in the City of Amsterdam.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay
Alderman Russo		
Alderwoman Beekman		
Alderman Barone		
Alderwoman Hatzenbuhler		
Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2014

Note: Under Charter sections 35, 36 and 37 the mayor is the appointing authority for most positions. This resolution, if adopted, would not restrict the mayor's authority to appoint. Likewise it will not restrict the controller's power of appointment. It would restrict the Police Chief and Fire Chief from filling vacancies in their departments. G. DeCusatis

**CITY OF AMSTERDAM, NEW YORK
COMMON COUNCIL MEETING
MAY 6, 2014**

Ordinance Number 2014-F (for introduction)

AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF THE CITY OF AMSTERDAM –GOLF COMMISSION

BY: ALDERMAN BARONE

WHEREAS, it is desired to revise Chapter 28 in its entirety,

The City of Amsterdam, in Common Council convened, does hereby,
ORDAIN AND ENACT as follows:

Chapter 28 of the code of the City of Amsterdam is hereby amended as indicated below: (Note: all underlined items are added material, all struck through items are to be deleted and all other unmodified wording is existing language that will remain in effect.)

Chapter 28. GOLF COMMISSION

~~§28-1. Creation of Commission; membership.~~

~~A. There is hereby created in and for the management, operation and maintenance of the Arthur Carter Amsterdam Municipal Golf Course of the City of Amsterdam a Commission, to be known as the "Arthur Carter Amsterdam Municipal Golf Commission."~~

~~B. Such Commission shall consist of a board of six members, one of whom shall be a nonvoting Alderman. The Alderman so designated by the Mayor shall serve as a member of such Commission only for the term of the Common Council of which he is a member. The other five members of such Commission shall not be either a city employee or official.~~

~~C. The initial designation of members shall be as follows: One shall serve until April 1, 1985; one shall serve until April 1, 1986; one shall serve until April 1, 1987; one shall serve until April 1, 1988; and one shall serve until April 1, 1989. Thereafter, when vacancies occur by expiration of terms of office, death, removal or resignation, they shall be filled for a term of five years.~~

~~D. All members shall serve without pay.~~

~~E. Vacancies shall be filled in the same manner as original appointments.~~

~~F. Each member of the Commission, before beginning his term of office, shall file in the office of the City Clerk the constitutional oath of office.~~

~~§28-2. Appointment of officers; adoption of bylaws.~~

~~The Commission shall appoint from among its members a Chairman, Vice Chairman and Secretary of its organization, and thereafter such officers shall be chosen at its annual meeting. The Commission, however, shall be authorized to fill vacancies in said office occurring after the original appointment of election to serve until the next annual meeting. Upon its organization, the Commission shall, as soon as is possible, cause to be adopted a set of bylaws governing the conduct of its affairs, which bylaws, when adopted, shall be filed with the City Clerk. These bylaws shall provide for an annual meeting to be held on the first Monday in April in each year and that the majority action of the Commission shall be required for approval of expenditures.~~

~~§28-3. Powers and duties of Commission.~~

~~A. It shall be the duty of the Commission to organize, manage, operate, maintain and govern said golf course and appurtenances.~~

~~B. The Commission shall have full authority to manage, maintain and operate said golf course and appurtenances, to establish proper fees for the use of the golf course by players and to do such necessary things and adopt such rules and regulations applying to the use of such golf course as may be necessary for its proper operation, maintenance and protection.~~

~~C. All revenues thus received from operation shall be deposited with the Controller of the City of Amsterdam, who shall maintain a separate account of such revenues.~~

~~D. Purchases made by the Commission shall be made in like manner as other purchases made by the City of Amsterdam. All money expended incidental to the management, maintenance and operation of the golf course shall be made upon submission of proper vouchers or claims, signed by the Chairman of the Commission, approved by the Director of Recreation and after audit by the Common Council in accordance with the provisions of the City Charter, all such expenditures and all such payments shall be chargeable to and payable from the fund and account maintained by the City Controller for this purpose.~~

~~E. The Common Council reserves the authority to enter into agreements for the use of facilities, such as concessions and restaurant, at said golf course.~~

~~F. Purchases of capital items shall be done by the Common Council upon recommendation of the Commission and within budgetary appropriations.~~

~~G. The consent and approval of the Director of Recreation shall be noted on all appropriations for operational functions prior to any commitment made therefore.~~

§28-1. Creation of Commission; membership.

A. There is hereby created in and for the management, operation and maintenance of the Arthur Carter Amsterdam Municipal Golf Course of the City of Amsterdam a Commission, to be known as the "Arthur Carter Amsterdam Municipal Golf Commission."

B. Such Commission shall consist of a board of seven members and a nonvoting Alderman. The Alderman shall be designated by the Common Council and shall serve as a member of such Commission only for the term of the Common Council of which he is a member. The seven members of such Commission shall not be either a city employee or official and shall be a city resident and a dues-paying golf course member; five of whom and shall be appointed by the Common Council and two shall be appointed by the Mayor all with the approval of the Common Council.

C. The initial designation of members shall be as follows: One shall serve until April 1, 2015; two shall serve until April 1, 2016; one shall serve until April 1, 2017; two shall serve until April 1, 2018 and one shall serve until April 1, 2019. Thereafter, when vacancies occur by expiration of terms of office, death, removal or resignation, they shall be filled for a term of five years by the Common Council.

D. All members shall serve without pay and without any fringe benefits at the Golf Course.

E. Vacancies shall be filled in the same manner as original appointments by the Common Council.

F. Each member of the Commission, before beginning his term of office, shall file in the office of the City Clerk the constitutional oath of office.

§28-2. Appointment of officers; adoption of bylaws.

The Commission shall appoint from among its members a Chairman, Vice Chairman and Secretary of its organization, and thereafter such officers shall be chosen at its annual meeting. The Commission, however, shall be authorized to fill vacancies in said office occurring after the original appointment of election to serve until the next annual meeting. Upon its organization, the Commission shall, as soon as is possible, cause to be adopted a set of bylaws governing the conduct of its affairs, which bylaws, when adopted, shall be filed with the City Clerk. These bylaws shall provide for an annual meeting to be held on the first Monday in April in each year and that the majority action of the Commission shall be required for approval of expenditures.

§28-3. Powers and duties of Commission.

A. It shall be the duty of the Commission to organize, manage, operate, maintain and govern said golf course and appurtenances.

B. The Commission shall have full authority to manage, maintain and operate said golf course and appurtenances, to establish proper fees for the use of the golf course by players and to do such necessary things and adopt such rules and regulations applying to the use of such golf course as may be necessary for its proper operation, maintenance and protection.

C. All revenues thus received from operation shall be deposited with the Controller of the City of Amsterdam, who shall maintain a separate account of such revenues.

D. Purchases made by the Commission shall be made in like manner as other purchases made by the City of Amsterdam. All money expended incidental to the management, maintenance and operation of the golf course shall be made upon submission of proper vouchers or claims, signed by the Chairman of the Commission, approved by the Common Council and after audit by the Common Council in accordance with the provisions of the City Charter, all such expenditures and all such payments shall be chargeable to and payable from the fund and account maintained by the City Controller for this purpose.

E. The Common Council reserves the authority to enter into agreements for the use of facilities, such as concessions and restaurant, at said golf course.

F. Purchases of capital items shall be done by the Common Council upon recommendation of the Commission and within budgetary appropriations.

G. The consent and approval of the Common Council shall be noted on all appropriations for operational functions prior to any commitment made therefore.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay
Alderman Russo		
Alderwoman Beekman		
Alderman Barone		
Alderwoman Hatzenbuhler		
Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2014

**CITY OF AMSTERDAM, NEW YORK
COMMON COUNCIL MEETING
MAY 6, 2014**

ORDINANCE NUMBER- 2014-G (for introduction)

**AN ORDINANCE AMENDING CHAPTER 228 OF THE CODE OF THE CITY OF
AMSTERDAM – CHAPTER §228-43**

BY: ALDERMAN RUSSO

WHEREAS, it has been requested that stop signs be placed on Locust Avenue at the intersection of Crescent Avenue in both directions,

The City of Amsterdam, in Common Council convened, does hereby,

ORDAIN AND ENACT as follows:

Chapter §228-43 “Schedule XI Stop Intersections” of the code of the City of Amsterdam is hereby amended as indicated below:

Add to the schedule:

<u>Name of Street</u>	<u>Direction of Travel</u>	<u>Location</u>
Locust Avenue	both	intersection with Crescent Avenue

This Ordinance shall take effect pursuant to Section C33 of the Charter.

COMMON COUNCIL
City of Amsterdam, NY

	<u>Aye</u>	<u>Nay</u>
<u>Alderman Russo</u>		
<u>Alderwoman Beekman</u>		
<u>Alderman Barone</u>		
<u>Alderwoman Hatzenbuhler</u>		
<u>Alderman Leggiero</u>		

ANN M. THANE, MAYOR

Dated: _____, 2014

**CITY OF AMSTERDAM, NEW YORK
COMMON COUNCIL MEETING
MAY 6, 2014**

ORDINANCE NUMBER- 2014- H (for introduction)

AN ORDINANCE AMENDING CHAPTER §228-45 “TRUCKS OVER CERTAIN WEIGHT EXCLUDED” OF THE CODE OF THE CITY OF AMSTERDAM

BY: ALDERMAN RUSSO

WHEREAS, it has been requested that truck traffic of certain weights be excluded on certain streets be amended to include Northampton Road,

The City of Amsterdam, in Common Council convened, does hereby,

ORDAIN AND ENACT as follows:

Chapter §228-45 “Trucks over certain weights excluded” of the code of the City of Amsterdam is hereby amended as indicated below:

Add the following:

<u>Name of Street</u>	<u>Weight Limit(tons)</u>	<u>Location</u>
Northampton Road	13	Entire Length

This Ordinance shall take effect pursuant to Section C33 of the Charter.

COMMON COUNCIL
City of Amsterdam, NY

	<u>Aye</u>	<u>Nay</u>
<u>Alderman Russo</u>		
<u>Alderman Beekman</u>		
<u>Alderman Barone</u>		
<u>Alderman Hatzenbuehler</u>		
<u>Alderman Leggiero</u>		

ANN M. THANE, MAYOR

Dated: _____, 2014

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
MAY 6, 2014**

(For Introductory Purposes)

**LOCAL LAW #A - A LOCAL LAW REVISING CITY CODE CHAPTER 73 –
ANIMALS, ARTICLE III FOWL CONTROL**

INTRODUCED BY: ALDERMAN RUSSO

BE IT ENACTED by the Common Council of the City of Amsterdam as follows:

SECTION 1. Purpose and Legislative Intent.

The intent of these amendments is to permit the recreational keeping of up to four hens in certain areas of the city subject to permitting requirements.

SECTION 2. – Substantive Provisions.

Chapter 73 of the code of the City of Amsterdam is hereby amended as indicated below: (Note: all underlined items are added material, all struck through items are to be deleted and all other unmodified wording is existing language that will remain in effect.)

Chapter 73. ANIMALS

Article III. Fowl Control [Adopted 9-3-1991]

§73-14. Definitions.

As used in this article, the following terms shall have the meanings indicated:

FOWL

Includes chickens, ducks, geese, turkeys and other poultry or domestic birds commonly used for food purposes. Pigeons are specifically excluded from this article.

§73-15. Fowl prohibited within city limits.

- A. No person shall keep, maintain or possess fowl within the city, except as permitted by a permit issued pursuant to the following sections.
- B. A resident of a single family home in an area zoned R-1 may be granted a permit to keep chickens as specified below:
 - a. The permittee shall pay an annual fee established by resolution of the common council.
 - b. The permit shall only be granted on consent of the property owner.
 - c. The proposed facilities for the chickens shall be specified in detail in the application.
 - d. No permit shall be granted without approval by the animal control officer. The approval shall not be granted if the keeping of chickens is likely to create a nuisance for neighbors or if the proposed facility does not comply with this article. No permit shall be granted to an individual who has a previous violation of any provision of this article.
- C. The permittee shall comply with the following: The maximum number of hens shall be four. No roosters shall be allowed. Hens are to be confined so as to not allow free pasture. Pens and runs are to be kept clean so there is nor perceptible order at property lines. Feed for hens must be stored in an impermeable container to avoid attracting pests and natural predators of the hens. Pens must be no closer than 25ft from adjacent property lines.
- D. The permittee by applying for a permit consents to the inspection of the property at any time by city officers, officials or employees to verify compliance with all permit conditions and requirements of this article.

§73-16. Penalties for offenses. [Amended 12-22-1997 by L.L. No. 3-1998]

No person shall keep or house fowl without a permit in any structure. A violation of this article may result in the confiscation of the fowl and a fine of not more than \$250, imprisonment for not more than 15 days, or both such fine and imprisonment.

SECTION 3. SEVERABILITY

Should any section or provision of this local law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the local law as a whole or any parts thereof other than the part so decided to be unconstitutional or invalid.

SECTION 4. ENABLING LEGISLATION

This Local Law is adopted pursuant to the authority granted by Section 10 of the Municipal Home Rule Law of the State of New York.

SECTION 5. EFFECTIVE DATE

This local law shall be effective when filed with the Secretary of State.

COMMON COUNCIL

City of Amsterdam, NY

	<u>Aye</u>	<u>Nay</u>
<u>Alderman Russo</u>		
<u>Alderwoman Beekman</u>		
<u>Alderman Barone</u>		
<u>Alderwoman Hatzenbuhler</u>		
<u>Alderman Leggiero</u>		

ANN M. THANE, MAYOR

Dated: _____, 2014